



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,816	01/14/2004	Billy B. Edwards	27475/05282	1815
24024	7590	09/08/2005	EXAMINER	
CALFEE HALTER & GRISWOLD, LLP 800 SUPERIOR AVENUE SUITE 1400 CLEVELAND, OH 44114			GALL, LLOYD A.	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

mu

Office Action Summary

Application No.

10/707,816

Applicant(s)

EDWARDS ET AL.

Examiner

Lloyd A. Gall

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/14/04 and 3/14/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The disclosure is objected to because of the following informalities: A period should follow the last line of the Abstract.

Appropriate correction is required.

Claims 4 and 13 are objected to because of the following informalities: In claim 4, line 9, --position-- should follow "second". In claim 13, line 2, "sidebars" should be replaced with --sidebar members--. In claim 13, line 3, "inner" should be deleted. Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9, 10 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kasper (154).

Kasper teaches a lock shell 19 having a cavity 31 as seen in fig. 1 to rotatably receive a key cylinder 23, the lock cylinder is removable and can rotate between locked and unlocked positions, a plurality of tumblers 20 (see USPN 4,635,455 referred to in column 5, line 18 of Kasper) cooperable with a sidebar 38, wherein the key cylinder is only removable when it is rotated by retracting the sidebar to its unlocking position and rotatably disengaging portions 34, 35 of the cylinder of Kasper from the groove 32 of the shell. The sidebar 38 of Oliver (455) engages and disengages a raised surface defined by the inclined surface 42 in figure 2 thereof, with respect to the flat bottom surface of

Art Unit: 3676

the slot 36. With respect to claims 3, 6 and 7, Oliver also teaches at least four tumblers 20, and any one of those tumblers 20 may be regarded as a shell locking tumbler. With respect to claim 13, the sidebar 38 shown in USPN 4,635,455 engages an inclined raised edge 42 relative to the flat bottom surface of the slot 36.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kasper (154) in view of Richter.

As seen in figure 5, Richter teaches a sidebar 16 spring-biased 15 into its unlocked, disengaged position. It would have been obvious to one of ordinary skill in the art at the time the invention was made to bias the sidebar of Kasper to its unlocking position, in view of the teaching of Richter, the motivation being to aid in preventing the sidebar from binding with the lock shell when it is intended to move inwardly to its unlocking position.

Applicant's arguments filed December 13, 2004 have been fully considered but they are not persuasive. In response to applicant's remarks on page 8, line 6 with respect to the Kasper and Oliver references, the Oliver reference is not relied upon in the rejection as teaching a removable cylinder. The Kasper reference teaches a removable cylinder, and the Kasper reference discloses that it incorporates tumblers and a sidebar as disclosed by the Oliver reference. In response to the argument on

Art Unit: 3676

page 8, line 10, it is not clear why the raised surface of Oliver relied upon by the examiner is argued as not providing a raised surface or portion. Claims 1 and 4 claim a raised surface located on the inner wall, and claim 9 claims a raised portion of the lock shell. The raised surface 42 of Oliver relied upon in the rejection is raised with respect to the flat bottom surface of the slot 36. It is also noted that the claiming of a raised surface and a raised portion is not claiming the surface/portion as being raised with respect to anything in particular. The remarks on page 8, lines 11-13 do not address the rejection of the primary reference to Kasper, which includes tumblers and a sidebar as taught by Oliver.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Art Unit: 3676

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG
August 31, 2005


Lloyd A. Gall
Primary Examiner